

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

v.

WILLIE DAVID APPLEWHITE,

Defendant.

Cr. No. 6:08-cr-60037-MC-1

OPINION and ORDER

MCSHANE, Judge:

Defendant's Motion to Reduce Sentence (ECF No. 49) is DENIED for the following reasons.

On March 30, 2015, Defendant Willie David Applewhite filed this Motion to Reduce Sentence, seeking a two-level reduction pursuant to 18 U.S.C. § 3582(c)(2) based on the United States Sentencing Guidelines (U.S.S.G.) Amendment 782. (ECF No. 49). On April 8, 2015, Assistant United States Attorney Jeffery Sweet filed the government's Response to the motion, stating that Mr. Applewhite is not eligible for the reduction because he was convicted of bank robbery and his guideline range was based on § 2B3.1, which was not changed by Amendment

782. (ECF No. 52 at pp.2-3). On May 11, 2015, Assistant Federal Public Defender Bryan Lessley filed the Defendant's Reply brief, stating that "Mr. Applewhite does not contest the government's arguments." (ECF No. 56 at p.1). Because § 2B3.1 was not impacted by Amendment 782, the Defendant's Motion to Reduce Sentence (ECF No. 49) is DENIED. IT IS SO ORDERED.

DATED this 27th day of May, 2015.

S/Michael J. McShane
Michael J. McShane
United States District Judge